HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 20114 of 2007

Dated: 06-11-2007

Between:

P.Narayana and 3 others.

..... PETITIC

AND

The Land Acquisition Officer and
Special Deputy Collector (LA),
Kurnool and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 20114 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of the respondents in acquiring the lands to an extent of Ac.6.90 cents belonging to petitioner No.1 in Sy.Nos.414/8, 413/6 and 445/2, Ac.1.06 cents of lands situated in Sy.No.413/4 belonging to petitioner No.2, Ac.1.79 cents of land in Sy.No.414/8 belonging to petitioner No.3 and Ac.2.00 cents in Sy.No.445/2 belonging to petitioner No.4 situated in Pandikonda village, Pathikonda Mandal, Kurnool District as illegal and arbitrary.

At the hearing, it is conceded by Sri K.V.Raghuveer, learned counsel for the petitioners that the awards passed were consent awards. He, however, stated that the petitioners were forced to subscribe their signatures.

When learned counsel was asked whether any material is placed to substantiate the assertion that the consent of the petitioners was obtained by force, he replied in the negative. The learned counsel, however, pleaded that though the petitioners in principle do not have any objection for acquisition of the land, the value fixed is very meagre and their grievance mainly centers around the same. But a perusal of the prayer made in the writ petition shows that the petitioners have not sought for higher market value. Therefore, the said issue cannot be gone into in the present writ petition.

Learned counsel for the petitioners submitted that there is a standing crop, in existence on the lands belonging to the petitioners.

Learned Assistant Government Pleader for Land Acquisition invited my attention to the averments in para 3 of the counter affidavit filed by the Special Deputy Collector and Land Acquisition Officer, wherein it is mentioned that possession of all the lands under acquisition was taken except an extent of Ac. 1.00 cents out of Acs.1.85 cents in Sy.No.413/6 in which jowar was sown and it is at the tender stage of 10 days.

The petitioners have not filed any reply affidavit controverting this specific averment.

Admittedly, the petitioners gave consent for acquiring their lands. Since they have not substantiated their assertion that their signatures were obtained

by force, this assertion of the petitioners remains mere *ipsi-dixit*. This issue, therefore, falling in the realm of disputed question of fact, cannot be gone into in the writ petition. The writ petition is, therefore dismissed. With regard to fixation of market price, since no relief in that regard is specifically claimed in this writ petition, I am not inclined to go into the same.

However, liberty is given to the petitioners to seek appropriate remedy for this purpose.

Since a standing crop over Ac.1.00 cents in Sy.No.413/6 is admittedly in existence, the respondents are directed to allow the petitioners to harvest the same by giving them three weeks' time from today. The petitioners shall file an undertaking within three days before respondent No.1 to handover vacant possession unconditionally on the expiry of three weeks' time. If such an undertaking is not filed, it shall be open to the respondents to take immediate possession. No costs.

C.V.NAGARJUNA RE

Date: 06-11-2007

KLP